

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JUAN BARELA  
Accused as Suspect in Child Abuse  
Arrested, Cover Cited for Obstruction  
LYNN BARELA  
Joined as Party of Interest,

Plaintiffs,

v.

ELLIS W. JOHNSON, M.D.  
In Individual Capacity and  
In Professional Capacity as Family Physician  
LORI JOHNSON  
In Individual Capacity and  
In Professional Capacity as Medical Assistant,

Defendants.

Case No. C05-5785 RBL

ORDER DENYING PLAINTIFFS'  
MOTION TO SET ASIDE DISMISSAL  
WITH PROFFERS

THIS MATTER is before the court on the Plaintiffs' "Motion to Set Aside Dismissal with Proffers" [Dkt. # 36]. The Motion's precise basis is not clear, but it appears that the Plaintiffs again seek Reconsideration of the Court's October 23, 2006 Order of Dismissal [Dkt. # 26]. Because the Plaintiffs' Motion was not filed "within 10 judicial days" of that Order, it is not timely under Local Rule 7(h)(2).

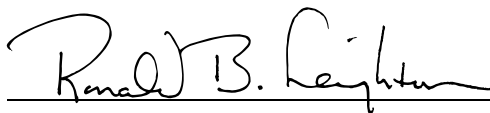
Additionally, this Court does not have jurisdiction over this matter, as the Plaintiffs have appealed the dismissal of their claims.

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1 Therefore, the Plaintiffs' Motion is DENIED.

2 DATED this 26<sup>th</sup> day of February, 2007.

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5 RONALD B. LEIGHTON  
6 UNITED STATES DISTRICT JUDGE  
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